

REMARKS

The Amendments

The claims are amended to address the claim objections and 35 U.S.C. §112 rejection and correct other informalities. Claims 1 and 9 are also amended to clarify which are active steps of the claims, as opposed to preamble (as discussed below). The amendments do not narrow the scope of the claims.

Applicants reserve the right to file one or more continuing and/or divisional applications directed to any subject matter disclosed in the application which has been canceled by any of the above amendments.

The Claim Objections

The objections to claims 1, 2 and 14 are believed to be overcome by the above amendments made per the suggestions in the Office Action.

The Rejection under 35 U.S.C. §112, second paragraph

It is believed that the rejection of claims 14-18 under 35 U.S.C. §112, second paragraph, is overcome by the above amendments. Claim 14 now recites that the TeleControl application provides a Graphical User Interface (GUI) program, thus, there is antecedent basis for later recitation of this program. Further, claim 14 now clarifies in step g) that the instructions are sent as one or more e-mail message(s) by a sender to the TeleMail device, as receiver, using a method of claim 1. Thus, the connection is made to the sending of electronic mail messages to the receiver device of claim 1. It is believed that the claim now is clarified that it is a method

according to claim 1 where the receiver device is a TeleMail device connected to appliances and the sending of the electronic messages is used to control the appliances through the TeleMail system.

For the above reasons, the rejection under 35 U.S.C. §112, second paragraph, should be withdrawn.

The Rejection under 35 U.S.C. §102

The rejection of claims 1-3, 9-12, 14-18 and 20-24 under 35 U.S.C. §102(e), as being anticipated by Ho (U.S. Patent No. 5,805,298) is respectfully traversed.

In the Final Office Action, it was indicated that the applicants' previous arguments, distinguishing Ho by the "without the need of being connected to the Internet" language, was not given patentable weight because such language appeared in the claim preamble. In view thereof, the claims have been amended so that this language appears after the "comprising" transitional phrase and, thus, cannot be considered to be in the preamble. Accordingly, applicants reiterate their previous arguments and urge full consideration.

Ho in Figure 1 discloses components that could be considered to be a sender application [box 100] comprising a processing means attached to a modem connected via the PSTN [box 106] to a second modem attached to a second processing means [boxes 107 to 112]. The Ho apparatus requires routing of e-mail communications via the Internet [box 112].

Ho fails to disclose a method for establishing e-mail communication and sending e-mail through a PSTN "without the need of being connected to the Internet." Compare the quoted recitation in claim 1; see also page 1, lines 9-11, of applicants' specification. Ho fails to disclose

or suggest a method or system whereby a sender can send email to a receiver directly without any other recipient exclusively along a PSTN without routing via the Internet. By contrast, Ho requires the Internet [box 112] to perform email communication between two devices or users [box 100, box 104, box 105]; see, e.g., Fig. 1. See also, col. 3, lines 43-47 and 61-63, of Ho stating that a "Router typically transmits and receives electronic mail messages" and that "Remote Mail Servers, seen at 110-111, each implement electronic mail boxes of the type seen at 104-105 to receive electronic mail messages." In describing the functioning of the device, Ho states that upon identifying an email address "the communications device establishes a SLIP/PPP connection with the Router 107." As shown in Fig. 1, the Router and Remote Mail Servers are entities connected to the Internet. Figure 3 of Ho further shows that an email [box 304] is sent via the Internet [box 312].

Applicants, thus, urge that Ho fails to teach a method for establishing e-mail communication without the need of being connected to the Internet. Ho only discloses that facsimiles – not email – can be sent directly through the PSTN. It is quite clear that Ho requires the use of the Internet to transmit e-mail messages between devices. Thus, Ho neither discloses or suggests the method of the present invention, where the message is not sent over the internet, but is sent point-to-point through the PSTN.

For at least these reasons, Ho fails to anticipate the instant claims and the rejection under 35 U.S.C. §102 should be withdrawn.


Ho also gives no suggestion of modifying its methods/system to provide email communication exclusively between two users or devices using the PSTN without need of the Internet. As known by one of ordinary skill in the art, transmission via the Internet is inherently

insecure because data is not routed directly between the sender and the recipient. It is known that data sent through the Internet can be intercepted and recorded by servers in countries which do not maintain relevant privacy laws. The present invention offers a secure method of sending email, the advantages of which could not have been expected in view of Ho. Other advantages of the claimed invention are discussed, for example, at page 6, line 18, to page 7, line 9, and elsewhere in the disclosure. There is no incentive to arrive at the present invention from Ho. Ho fails to give any hint to direct PSTN emailing and no solution to the problem of providing secure transmission of data between two parties. Thus, Ho clearly also fails to provide the basis for rejection of the claims under 35 U.S.C. §103.

It is submitted that the claims are in condition for allowance. However, the Examiner is kindly invited to contact the undersigned to discuss any unresolved matters.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



John A. Sopp, Reg. No. 33,103
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: DCLERC-0003

Date: March 21, 2007
JAS:pdv